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BOOK REVIEWS.

THE LAW OF TORTS. By JOHN W. SALMOND. Third Edition. London: STEVENS AND HAYNES. 1912. pp. xxx, 548.

A SUMMARY OF THE LAW OF TORTS. By JOHN W. SALMOND. London: STEVENS AND HAYNES. 1912. pp. xxii, 320.

The Summary was prepared, the author tells us, "for the use of such students as fear to venture upon the larger work". It is to be classed, therefore, with popularized abridgments in this country prepared for correspondence schools, which are prefaced, as a rule, with profuse apologies by their producers. We are happy to note that the author expects it to be of service only to the student who by reason of weakness "eateth herbs".

For the larger work no word of apology is offered or needed. On the other hand, the appearance of a third edition within six years from the publication of the original treatise is presumptive evidence of high merit in the book. This presumption becomes conclusive upon a careful examination of its contents. The entire field of torts, including those arising from collisions at sea, is traversed in these pages. An English reviewer has suggested that the arrangement of topics anticipated to some extent the method pursued in Lord Halsbury's Encyclopaedia. Certainly, Mr. Salmond has not followed Sir Frederick Pollock's analysis of the subject. He seems rather to have modeled his treatise on that of Addison—the earliest of a large number of English books on this fascinating branch of the law. However that may be, the substance of this work is admirable.

Some topics might well have been treated more fully. The tort liability of lunatics is left quite in the air; and no reference is made, so far as we have discovered, to negative torts. True, some recent cases in which the defendant's liability for failure to act has been sustained, are cited, [*Butler v. Fife Coal Co.* (1912) A. C. 149; *Groves v. Wimborne* (1898) 2 Q. B. 402], but not for the doctrine of negative torts, now well established in this country. Nor is the subject of tort liability for mental suffering treated at any length. It is interesting to compare the scant references to the topic in this book with the elaborate discussion in the latest edition of Sedgwick on Damages.

In the chapter on deceit, Mr. Salmond expresses the opinion that if the defendant makes a statement which is true when made, but becomes false to his knowledge before it is acted upon, it is his duty to disclose the truth, and a failure to do so will be accounted an actionable fraud; though, he adds, "this has never been decided". In this State, the Court of Appeals has decided in accordance with Mr. Salmond's view [*Whitten v. Fitzwater* (1891) 129 N. Y. 626, 29 N. E. 298]; but the Federal District Court has repudiated it. [*In re Levi & Picard* (1906) 148 Fed. 654.]

For "Slander of Title", our author substitutes "Injurious Falsehood", and instead of "Unfair Competition", he uses the term "Deceptive Trade Names, Marks and Descriptions". Both topics are dealt with, however, in an orthodox manner and in their conventional relation to other forms of deceit.

Francis M. Burdick.